S.B.Civil Second Appeal No.126/2006

Nagar Parishad, Bhilwara and others.

vs.

LRs. of Ranjeet Lal and others.

Date : 29.10.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.U Ghani, for the appellants.

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Heard learned counsel for the appellants.

The plaintiffs/respondents filed suit for injunction which was decreed by the trial court vide judgment and decree dated 12.5.1994. The appeal against the said judgment and decree was dismissed by the first appellate court on 29.9.2001. Hence, this second appeal.

According to learned counsel for the appellants, subsequent to that, the land in question itself has been acquired and award has already been passed and the reference is pending in the civil court.

In view of the above fact, this second appeal cannot be entertained because of the reason that if the plaintiffs lost their title or interest in the property, whatever that may be after filing of the second appeal, then that may have its own effect on the execution of the decree or decree but that will not render the judgments and decrees passed by the two courts below, infructuous.

In view of the above, I do not find any reason to entertain the second appeal.

So far as the merits are concerned, the finding of fact has been recorded by the two courts below and after going through the judgments and decrees passed by the courts below, I do not find any substantial question of law involved in this appeal.

In view of the above, this second appeal, having no merits, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya